

Notice of Allowability**Application No.**

10/033,325

Examiner

William W. Moore

Applicant(s)

POULOSE ET AL.

Art Unit

1652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment and terminal disclaimer filed 02 January and the interview of 16 April 2004.
2. ☒ The allowed claim(s) is/are 1-10.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20040416.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Rewrite claims 1 and 10 thus:

1. (Amended) A protease variant comprising amino acid substitutions ~~substituting amino acids at residue~~ positions corresponding to the amino acid positions 103, 232, 236 and 245 in the amino acid sequence of the *Bacillus amyloliquefaciens* subtilisin set forth in SEQ ID NO:3 and further comprising a substitution of ~~substituting~~ one or more amino acids at amino acid ~~residue~~ positions selected from the group of positions corresponding to positions in the amino acid sequence of the *Bacillus amyloliquefaciens* subtilisin set forth in SEQ ID NO:3 consisting of ~~residue positions corresponding to~~ ~~positions~~ 3, 12, 20, 27, 38, 43, 48, 55, 61, 62, 68, 76, 87, 89, 97, 98, 99, 101, 102, 104, 106, 109, 128, 130, 131, 133, 140, 147, 159, 166, 167, 173, 183, 184, 185, 192, 194, 205, 206, 209, 210, 211, 212, 213, 214, 215, 216, 218, 224, 237, 244, 248, 251, 252, 255, 256, 257, 258, 259, 260, 261, 271, 272, and 275.

10. (Amended) The protease variant according to claim 1, wherein the further substitution ~~further comprises~~ ~~includes a substitution~~ ~~includes~~ a substitution of an amino acid at an amino acid position ~~residue~~ selected from the group of positions consisting of 68, 76, 104, 159, 212, 248 and 252.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Richard T. Ito on April 16, 2004.

The following is an examiner's statement of reasons for allowance:

Applicant's Terminal Disclaimer filed January 2, 2004, has been accepted, removing the basis for the obviousness-type double patenting rejections of record. Applicant's

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Amendments filed January 2, 2004, overcome the rejections of record of claims herein under 35 U.S.C. §§102 and 103 over Graycar et al. and Weiner et al. as well as the rejection of record of claims herein under the second paragraph of 35 U.S.C. §112. The above examiner's amendment clarifies claim 1 by reciting the particular reference amino acid sequence disclosed in SEQ ID NO:3 herein and by describing the intended product in its modified state, rather than in the process of modification, and clarifies claim 10 by removing a redundant recitation present in the claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William W. Moore whose telephone number is now 571.272.0933. The examiner can normally be reached between 9:00AM and 5:30PM EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapura Achutamurthy, can now be reached at 571.272.0928. The fax phone numbers for all communications for the organization where this application or proceeding is assigned remains 703.872.9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is now 571.272.1600.

William W. Moore
April 16, 2004


NASHAAT T. NASHED PHD.
PRIMARY EXAMINER